

LFC Requester:**Theresa Rogers****AGENCY BILL ANALYSIS
2016 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:****LFC@NMLEGIS.GOV***and***DFA@STATE.NM.US***{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}**Check all that apply:*Original ☐ Amendment ☐
Correction ☐ Substitute ☒**Date** February 8, 2016**Bill No:** SB 203**Sponsor:** Sen. Public Affairs Comm. Sub.**Agency Code:** 305**Short****Person Writing** Sally Malavé**Title:** Qualifications for Sheriff**Phone:** 827-6031**Email** smalave@nmag.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB 203
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

Analysis of Senate Public Affairs Committee Substitute for SB 203:

Committee Substitute 203 sets forth the qualifications for persons seeking to be elected or appointed to the position of county sheriff as follows:

- 5 years professional law enforcement experience "that may include military law enforcement experience";
- Resident of the state for one year and of the county for which the person is seeking to be elected or appointed sheriff;
- Hold a certificate attesting to completion of a basic law enforcement training program pursuant to Section 29-7-6.1 NMSA 1978;
- Not have been recalled from public office.

It removes the requirement included in SB 203 that established a minimum age for sheriffs and disqualification on the grounds of having been convicted of a felony.

Analysis of Original SB 203:

If enacted, SB 203 will add a new section to the County Sheriff Act, NMSA 1978, Sections 4-41-1 to -22 (1855, and as amended), set forth specific qualifications for persons seeking to be elected or appointed to the position of county sheriff, including minimum age, professional law enforcement experience, residence in the county for which the person is seeking election, no record of felony conviction, certification of basic law enforcement training, and not have been recalled from public office. SB 203 also affords voters the right to challenge the candidacy of any person seeking election to the office of county sheriff on the grounds that the candidate does not meet the qualification requirements of SB 203.

FISCAL IMPLICATIONS None to this Office.

SIGNIFICANT ISSUES None.

PERFORMANCE IMPLICATIONS None to this Office.

ADMINISTRATIVE IMPLICATIONS None to this Office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP None.

TECHNICAL ISSUES SB 203 provides that a person seeking to be elected or appointed sheriff must be a resident of both the state and the county for which the person is seeking to be elected or appointed sheriff for at least one year. In the Committee Substitute, “one year” modifies only “a resident of the state” and not “of the county”. Therefore, under the Committee Substitute, a person who is a resident of the state for one year but resident of the county for which the person is seeking to be elected or appointed sheriff for less than one year meets the residency qualification for the position of sheriff in that county.

OTHER SUBSTANTIVE ISSUES None.

ALTERNATIVES None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo. Any person, without regard qualification, may serve as a county sheriff upon election, posting of bond and taking oath of office.

AMENDMENTS None.